IN THE HIGH COURT OF JUDICATURE AT BOMBAY

A.S.

Writ Petition No.5968 of 2005

Manoj Madhav Bapat ....Petitioner

vs

State of Mah and ors ....Respondents

Mr A.M.Saraogi for petitioner

Mr S.D.Patil AGP for State

CORAM: S.U.KAMDAR J.

Dated 30.ll.2005

P.C:

l. The learned counsel for the petitioner has tendered an affidavit dated 30.ll.2005 seeking unconditional apology for non-disclosure of certain facts in the present petition. Unconditional apology is accepted and in that view of the matter action is not initiated for suppression of facts in this case.

2. In so far as the petition is concerned same is obviously to be dismissed. Accordingly petition is dismissed. The learned counsel for the petitioner further informs this court, on instructions of his client, who is present in court, that within a period of four weeks from today, petitioner will make payment of all arrears of maintenance charges as payable by him. He further states that as and

when he makes payment as against the dishonoured cheque which was given towards maintenance,the respondent should accept the same and return the cheque and withdraw the complaint for dishonour of the cheque filed in the court under section l38 of the Negotiable Instruments Act. The learned counsel for the respondent on instructions from his client states that he will do so provided he receives payment in respect of the dishonoured cheque. The learned counsel for the respondent further states that he is not pressing the maintenance which has been awarded in the RCS No.78 of 200l from the date of decree of divorce.

. In the aforesaid light of the matter,petition is disposed of accordingly. The petitioner is directed to pay cost of this petition quantified at Rs.l0,000/-.